

Image

AFI 1642



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ATTORNEYS AT LAW

Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gen G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaiksy
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Kimberly N. Reddick
Theodore A. Wood

Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn Prengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller*
LuAnne M. DeSantis
John J. Figueiroa
Ann E. Summerfield
Tiera S. Coston*
Aric W. Ledford*

Michael D. Specht
Jessica L. Parezo
Timothy A. Doyle*
Cynthia M. Bouchard
Nicole D. Detar*
Ted J. Ebersole
Registered Patent Agents
Karen R. Markowicz
Nancy J. Leith
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd
Aaron L. Schwartz
Mary B. Tung
Katrina Y. Pei Quach
Bryan L. Skelton
Robert A. Schwartzman

Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
Eric D. Hayes
Michelle K. Holoubek
Robert H. Deselms
Simon J. Elliott
Julie A. Heider
Mita Mukerjee
Scott M. Woodhouse
Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie
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+Admitted only in Virginia
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January 29, 2004

WRITER'S DIRECT NUMBER:
(202) 772-8678

Art Unit 1642



Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application
Appl. No. 09/462,625; 35 U.S.C. § 371 Date: July 28, 2000
For: **Tumor Growth Inhibition- and Apoptosis-Associated Genes and Polypeptides and Methods of Use Thereof**
Inventors: Georgiev *et al.*
Our Ref: 0652.1630001/EKS/JUK

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Statement of Substance of Examiner Interview; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
January 29, 2004
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Judith U. Kim
Attorney for Applicants
Registration No. 40,679

EKS/JUK/JCI/shr
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Georgiev *et al.*

Appl. No.: 09/462,625

35 U.S.C. § Date: July 28, 2000

For: **Tumor Growth Inhibition- and
Apoptosis-Associated Genes and
Polypeptides and Methods of Use Thereof**

Confirmation No.: 5330

Art Unit: 1642

Examiner: Stephen L. Rawlings

Atty Docket: 0652.1630001/EKS/JUK

Statement of Substance of Examiner Interview

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Examiner Interview for the captioned application was conducted on December 29, 2003. Pursuant to the Interview Summary mailed December 29, 2003, which directs Applicants to file a statement of the substance of the interview within one month from the date of the interview if a reply to the last Office Action has already been filed, Applicants submit herewith such a statement.

Applicants and Applicants' representative wish to thank Examiner Stephen Rawlings for the telephonic interview with the undersigned Applicants' representative on December 29, 2003.

The Examiner indicated that the Amendment filed on December 9, 2003, obviated all previously outstanding issues if Applicants' terminal disclaimer is proper. The Examiner indicated that the terminal disclosure should properly disclaim the terminal part of the statutory term of any patent granted in the captioned application which would extend beyond

the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,172,211B1.

During the interview, the Examiner indicated that the finality of the Office Action mailed September 24, 2003, has been withdrawn.

However, the Examiner indicated that claims 61 and 80 may be rejected under new grounds under 35 U.S.C. § 101 and under 35 U.S.C. § 112, first paragraph, as allegedly being drawn to nonstatutory material or subject matter not fully enabled by Applicants' disclosure. The Examiner indicated that the new grounds of rejection would be rendered moot if Applicants' representative were to authorize an Examiner's Amendment, inserting the term "isolated" before "transfected host cell" in claims 61 and 80.

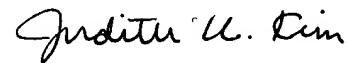
Applicants' representative agreed to consult with the Applicants to determine whether to grant the authorization for the Examiner's Amendment.

The Examiner indicated that authorization of the proposed Examiner's Amendment and a proper terminal disclaimer would place this application in condition for allowance.

In the meantime, if the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Judith U. Kim
Attorney for Applicants
Registration No. 40,679

Date: January 29, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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